

## 1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Ally Morris called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and *The Star Ledger* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable, comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

## 2. REORGANIZATION

### OATH OF OFFICE

- Class I Member (one-year appointment)
- Class II Member (one-year appointment) – Justin Flancbaum
- Mayor’s Designee (one-year appointment) – Moshe Raitzik
- Class III Member (one-year appointment) – Albert Ackerman
- Class IV Member (four-year appointment) – Moshe Neiman, Hector Fuentes
- Planning Board Member alternates (two-year appointment) – Jacob Meyer, David Helmreich

### ELECTION OF OFFICERS FOR THIS CALENDAR YEAR

- Chairman (must be a Class IV member) – Moshe Neiman
- Vice Chairman – Eli Rennert
- Secretary – Ally Morris

### SELECTION OF CONSULTANTS AND OTHER PERSONNEL

- Attorney – King, Kitrick, Jackson, McWeeney & Wells
  - Conflict Attorney – Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors
- Planner – Remington & Vernick Engineers
- Engineer – Remington & Vernick Engineers

## 3. ROLL CALL & SWEARING IN OF PROFESSIONALS

### Roll call

Present: Mr. Helmreich, Mr. Raitzik, Mr. Flancbaum, Mr. Neiman, Mr. Rennert, Mr. Meyer

Mr. Fuentes and Committeeman Ackerman were present for Oaths of Office, but left prior to the roll call.

Mr. Terry Vogt, P.E., P.P., C.M.E. was sworn.

## 4. PUBLIC HEARING

### 1. SP 2433 Talmud Torah of Lakewood

1464 East Spruce Street

Block 855.02, Lot 18

Preliminary and Final Major Site Plan for an addition to a school

Mr. Flancbaum stepped down on this application.

Mr. Vogt summarized the submission waivers as listed in the review dated November 18, 2021.

Mr. Rennert asked to wait on acting upon these until after hearing the application.

Mr. Vogt summarized the relief required as listed in the review dated November 18, 2021, including buffer relief, parking setback, bus loading spaces, sign setback, sign height, sign area, number of parking spots, on site curbing, driveway width, and street trees.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant and said this is an application to convert a trailer to a permanent building. Everything is on-site already, the building on site is done. There is now availability to tap into water and sewer, and we are adding parking to be compliant. There will not be a parking variance. We are trying to clean up the site and make it better, for the school that is already existing there.

Mr. Brian Flannery, professional engineer and profession planner, appeared and was affirmed. He introduced A-1, sheet 112 of the tax map. A-2 is an aerial photo of the site showing the existing house and modular building. The purpose of this application is to improve the circulation. A-3 is a copy of the improvement plan submitted, showing the additional impervious. A-4 is the architectural plans showing the house and the modular building. I think the Board is familiar with this site, it's a prominent location. He read through the report. He said there is room to add an additional parking space in the front, so there is room for 24 parking spaces. Schools are a permitted use in the R-20. The house and modular building are there now. We provided arborvitaes and fencing to satisfy the intent of the Ordinance with respect to buffering, and the applicant is agreeable to adding anything more that the Board wants. Parking setback variance, providing parking is a benefit to the existing school and is facilitated by the fact that we are putting in sewer. Variance for bus loading and unloading spaces, this requirement was added a couple years ago. I feel we have justification for that variance. There is room for the bus to come in, it just doesn't have a designated space. It is an existing condition. Variances for the sign, we feel the sign is appropriate but if the Board doesn't like it we will do whatever the Board feels is appropriate. Parking relief, 25 are required and 23 are proposed according to the report. I reviewed the architectural plans. 2 class rooms and 2 offices in the house, and in the modular building 9 classrooms, 3 offices, 2 multi-purpose rooms, and 6 tutor rooms. When you add all them up, 24 is required. The plan shows 23 and we will fit an extra one in the front so 24 is required and provided.

Mr. Raitzik asked about the ADA compliant space.

Mr. Flannery said it's in the front and is compliant. The law says a certain percentage of spaces have to be handicapped, and that is included in the total 24 required, not in addition to. He summarized parts of the Lakewood Master Plan and Municipal Land Use Law to support the relief required. He discussed the design waivers and felt the onsite curbing is not needed but would be added if the Board desired. The driveway width requirement should be changed and the wider driveway is better here. Street trees, the applicant will provide them to the extent that they fit along with any recommendation from the Board or its professionals. The total number of students, currently there are 296, the facility could hold a maximum of 360. Total number of busses, 6 would accommodate. Commencement times are staggered from 8:30 to 9, and dismissal times are staggered from 2:50 to 3:45. Total number of proposed staff is 25. We would agree to add sidewalks along East Spruce Street in front of our property, and would satisfy any other comments in the report.

Mr. Rennert asked for information on how the site is existing with variances that haven't been approved.

Mr. Flannery said it was approved for a change of use for the residence to a school. The house is the same as then. The school then went and got a permit for the trailer.

Mr. Rennert said so when someone goes to the Zoning Officer for a trailer permit, it's understood that it's going to be temporary so they don't check for variances or anything? The Board didn't give those variances.

Mr. Pfeffer said the trailer was there as a temporary structure. The school now wants to make it permanent.

Mr. Rennert said so when the Zoning Officer gives a permit for a trailer, does the Zoning Officer look at what variances are going to be caused? Or they can just drop the trailer?

Mr. Pfeffer said generally it's a permitted use. The issue of variances, to my knowledge, didn't come about with the permit. When we applied for the permanent structure, that's when the variances came up.

Mr. Rennert said so they can just put a trailer for a school anywhere and not worry about setbacks? I'm just trying to understand the process.

Mr. Flannery tried to explain.

Mr. Neiman said if an existing home goes for a change of use for a school, and then grow and want to put a trailer there, they don't have to come back in front of the Board? They can just go to the Zoning Officer? The trailer causes variances.

Mr. Flannery said the trailer did not cause variances. The variances are for the sign, and maybe that got missed. The variances are for parking setback, and the parking is needed.

Mr. Rennert said so how did this applicant get a parking setback variance approval, or they don't have that?

Mr. Pfeffer said that's an existing condition.

Mr. Flannery said in 2018 they needed parking and because of the location of the house...

Mr. Pfeffer said this parking lot is new, it's not there today.

Mr. Flannery said the cars are parking there today in the existing driveway.

Mr. Rennert so when someone gets a permit for a temporary trailer... what stops the next applicant from coming in to make a trailer permanent and give me all the variances that it needs.

Mr. Jackson said the Board doesn't have to give variances. The governing body has adopted a policy that's very lenient, liberal, to facilitate the burgeoning school population.

Mr. Rennert said I have a problem with this.

Mr. Jackson said I think you're saying you feel constrained to grant an approval because the trailer is already there. But you don't have to give an approval.

Mr. Pfeffer said this applicant is trying to make this site, this application, as best they can and some of the variances are being created by putting in the parking lot.

Mr. Neiman said these modulares are going to be permanent, right? You're not coming back with a new school building, you want the temporary modulares to stay permanent.

Mr. Pfeffer said correct.

Mr. Raitzik asked about the condition of the modulares and how long they last.

Mr. Flannery said it has to be to building code to get a CO...

Mr. Raitzik said they have an active CO, not a temporary CO?

Mr. Pfeffer said there is a CO on the property.

Mr. Rennert said the testimony was that this application was because they can now get public sewer. Why can't they use their current CO to get sewer?

Mr. Flannery said they will, but the applicant is proposing to make the parking situation better and add landscaping and buffering.

Chairman Neiman opened to the public.

Mr. Chaim Mayerfeld appeared and was affirmed. He asked for a double row of trees along his property, Lot 20.01.

Mr. Pfeffer agreed.

Mr. Mayerfeld spoke about the original change of use approval, which proposed only 3 classrooms. 6 months later, an application for 6 trailers, and 10 trailers showed up. It went from 3 classrooms to 10 trailers. Those trailers went against the Planning Board recommendations. Now the applicant says the trailers are there already and it's working, so let's approve it. But I think it's not working and it's a detriment. He discussed the parking within 20' of the neighboring properties and the parking within the buffers affecting his family. The code requires a 20' buffer with fencing, and they are eliminating that. He spoke about car noises late at night as the teachers come and go. There is a bus turnaround now. The parking being added that backs up into that area will affect the traffic flow of the busses. Most days the busses are staggered but on Fridays they are not. When my wife comes home she can't fit into our driveway, there are times our driveways are not useable and cars in the bus area are going to make that worse. And the school does own another undeveloped lot on the block, where we've asked them to put parking but the school was unwilling to do that. I request that the Board denies this application.

Mr. Rennert said this is the reason the Township has variance requirements for sites, and there's reasons the Township allows temporary structures.

Mr. Mayerfeld said there is no way one acre is appropriate for a 360-student school. I don't have an objection to another temporary 2-year approval. But to make it permanent and go into the buffers, that damages myself and the neighborhood as a whole.

Mr. Neiman said when the Township said schools were permitted anywhere, they specifically had buffer requirements. And now they're going right up against your property, so I hear you.

Mr. Joshua Schwartzman appeared and was affirmed. He spoke about schools as a permitted use with buffers and sufficient parking. The relief being requested negatively affects the neighborhood. He spoke about the original 2018

Change of Use approval. We've met with the school and an arbitrator and the school did not follow through. We waited it out because the trailers were temporary. Now they want it to be permanent. The arbitrator has tried to find a solution that works for all parties, but no agreement has been made. The Ordinance requires a bus loading area that doesn't cross traffic lanes or parking areas for safety, and this application doesn't provide that. I've seen too many close calls on this property. A good percentage of the parents of this school are not in Lakewood, so there are many more calls than a purely Lakewood school. There are many mornings I can't get down the block because of traffic. And there is a school with an entrance and exit right across the street, which is making this feel like not a residential zone. They should come back with something that is conforming.

Mr. Helmreich had to leave.

Mr. Pfeffer requested to carry the application in order to have time to meet with the neighbors.

Mrs. Morris questioned if there would be revised plans. The next meeting in 2 weeks already has 6 applications with two objectors.

Mr. Neiman said I think a change in plans is warranted.

Mr. Pfeffer said we will meet with them. I ask to be heard in two weeks.

Mr. Neiman said its in everyone's favor to work something out.

An announcement was made to carry this application to the February 1, 2022, public hearing with no further notice.

**2. SD 2496 Chaim Nussbaum**  
1495 Bellinger Street                      Block 855.04, Lot 31  
Minor Subdivision to create two lots

Mr. Helmreich left.

Mr. Flancbaum returned to the dais.

The Board discussed the absence of paper plans available at the meeting for this application. Ultimately they determined that for this small application, the digital copy and the one copy in Mr. Flannery's possession were sufficient.

Mr. Brian Flannery appeared and was affirmed. He introduced A-1, a copy of the tax map, A-2, the subdivision map, and A-3, the improvement plan. It's a 175' wide lot to be broken into 100' for his house and 75' wide lot next to it. It's consistent with others in the neighborhood. Our other option would be two 87.5', but this option actually makes one of them conforming. No one driving down the road is going to know it's this way instead of two 87.5's. He went through the RV report and summarized parts of the Lakewood Master Plan and Municipal Land Use Law to support the relief required.

Mr. Neiman opened to the public and no one came forward.

Mr. Vogt stated there is one submission waiver for submission to Ocean County Planning Board.

Mr. Neiman asked about sidewalks.

Mr. Flannery said the applicant will provide them in accordance with the Ordinance.

Mr. Meyer made a motion to approve.

Mr. Flancbaum seconded.

All were in favor.

- 3. SP 2444 220 Newport Ave, LLC**  
220 Newport Avenue Block 496, Lot 2  
Preliminary and Final Major Site Plan for a daycare

This application was not heard.

#### **4. APPROVAL OF MINUTES**

- December 21, 2021 - approved

#### **5. APPROVAL OF BILLS**

#### **6. ADJOURNMENT**

Meeting was adjourned with all in favor.

Respectfully submitted  
Ally Morris  
Planning Board Recording Secretary